Part 2

Community Policing, Community Justice, and Restorative Justice

Part 2. The Crime Problem and the Criminal Justice System

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Even though support for community policing is becoming more widespread and its meaning is being expanded, there are perceived and real constraints—in addition to the lack of an agreed mission—to transforming the police operation to accommodate the community policing philosophy. Community policing and problem-oriented policing provide neither a quick fix nor a panacea; they cannot be simply introduced and swept through an entire organization or community. Public consultation and partnership building are time-consuming and fraught with complex dynamics, especially with communities or groups that need encouragement to participate in taking joint responsibility. Skill is required of professional police to avoid activities that promote further public dependency. Reorganizing a police department to accommodate community policing can take years to manifest a cost benefit in terms of resource management or reduced threats to public safety. Professional policing faces a tremendous challenge to keep abreast of current demands stemming from calls for service and reported crime, let alone to undertake organizational and attitudinal changes of the magnitude inherent in the community policing and problem-oriented policing ethos.

For some police there are additional barriers—policing can be dangerous, unpredictable, or can demand streetwise tactics that create distance from ordinary citizens. For others the police task ahead seems hard enough in the face of acute social conditions, demographic changes, and the changing nature of crime and disorder—without adding developmental work that brings its own burdens. A reaction among some officers is that, as desirable as community policing is, it is impractical or there is insufficient time for partnership building and problem solving. Even attempts to bring about changes in management practices and organizational structure have not overcome this widespread perception.

Conflict resolution skills, courtesy and diversity training, and alternative approaches to law enforcement have brought new tools and a different sensitivity to professional policing that bode well for the future. Few police officers, however, are unaffected by the sheer intensity of their work, which brings them face-to-face with chaos, depravity, fear, and a depressing repetition of human suffering and injustice.

The result is an understandable, if problematic, tension between willingness to take community policing further and actual delivery, which must overcome deep-seated skepticism about what is realistic.

The ethos of community policing is not questioned so much as its practical implementation; there is significant resistance to oversimplifying the challenges and complexity of policing. While the unhelpful dichotomy between the need for *hard*, no-nonsense policing and pigeon-holing community policing as *soft* policing may be fading,

community policing does not thrive without the constant props of effective leadership, technical assistance, and funding "carrots," which respond to the calls for more, not fewer, police. Community policing does not progress automatically; it requires driving, commitment, perseverance, and shedding light on a vision.

Without a clear mission for community policing, too much can go awry. Resistance, time and resource constraints, or skill shortages are not the only obstacles. Flexible attitudes, innovation, and diversification of activities can also seem an impossible order when mixed with other realities: the crime problem and the workings of the criminal justice system.

Consensus on Crime Fighting

The calls for developing community policing and problem-oriented policing have not come out of thin air. The efforts to support these movements have been, and remain, substantial, implying that there are powerful forces underscoring the idea that *law and order* activities and *community* should be inextricably tied. It is easy to be overwhelmed by the complicated mosaic of changes that are happening in policing. Increasing public confidence, decentralizing, improving the efficiency and effectiveness of resource utilization, promoting partnerships and problem solving, and the clamor for accountable public services are regularly cited benefits of reform. But one particular phenomenon remains a constant thread and demands acknowledgment as the pivotal reason behind much of the change. Crime, which conjures up a psychological baggage all its own, has come to represent an ongoing challenge and a perceived threat to social cohesion. It is difficult to conceive how changes in policing can be discussed without some recognition that crime represents a critical barometer by which new ideas and initiatives come to be measured.

Arguments about crime have raged regarding the effectiveness of the police and the justice system, the decline in moral and social values, economic polarization, rapid changes in urbanization, the lack of parenting skills, the media influence, and the lack of individual responsibility. In a recent *Washington Post* article, no fewer than 20 variables were cited as contributing to a rise or fall in crime, including racial segregation, population turnover, home ownership, street design, shortage in after-school activities, the size of the population in the 16–24 year age bracket, and unemployment rates.

A prevalent view—perhaps the result of the complexities of environmental, social, economic, and political mores—is that crime is an unacceptable, but possibly inevitable, fact of life. The nation's crime-solving thrust has become a determined effort toward a business-like approach to fighting crime—focusing resources where

an impression can be made on the crime rate. This approach is not that dissimilar to scanning the marketplace for profit opportunities. District attorneys survive or fall on the basis of their track record in securing successful convictions; judges on their sentencing record. Police chiefs, sheriffs, mayors, and city managers all are vulnerable to allegations of being ineffective in the campaign against crime. Lobbyists and the media apply their own distinct influences to boost or to thwart support for policies and practices.

Undoubtedly, the *politics of crime* are driving much of what is happening. Politics are notorious for a short-term focus and for demanding immediate successes, leaving little room for planning long-term strategies. Zero tolerance tactics are appealing for their promise of quick impact on a problem that is susceptible to definition by statistics, such as arrest conviction numbers. The rapid spread of *compstat* meetings initiated by the New York Police Department indicates how compelling this interpretation of accountability is; they provide an efficient mechanism for assessing the hard line taken by the authorities.

The focus on crime rates is no accident. Crime rates are quantifiable, making it conveniently simple to assess the merits or weakness of certain crime control tactics in a world that readily absorbs the power of the soundbite. Introducing measures to assess fairness, effectiveness, sustainability, and public trust would make matters too complicated to be marketed in a few catchphrases. Promoting ideas that detract from an apparently straightforward mission of reducing the crime rate brings instant criticism of sounding soft on offenders, or out of touch with public sentiment.

It is in this environment that community policing is being explored. Such attitudes are perhaps understandable in light of public concerns about crime. People prefer to remain with their traditional notion of "bad" individuals being the cause of problems; thus they miss the broader understanding of crime that root-causes arguments provide. From this perspective, crime fighting is not so much about fighting crime as fighting those who commit crime. The pressure to perform in this area has led police departments to retain much of the traditional model of professional policing: random and targeted patrols, swat teams, investigative units, and improved technology. Even those departments that have committed themselves to community policing and problem-oriented policing have not significantly changed these stalwarts of policing. Indeed, most departments fence-in or secure such activities and resource expenditure before they work on developing community policing, suggesting that community policing activities are dependent upon *extra* funding, while the old activities remain intact—and often strengthened. In some cases, funding for community policing has been used simply to bolster traditional methods of law enforcement, without any community element involved at all.

The full complexities of crime and crime control in this climate are neither transparent nor popular as concepts to be faced. As with our understanding of the human body, despite the sense that we could be doing things differently to become healthier, we nonetheless choose what appears to be the quickest and least inconvenient path, avoiding self-education and ameliorative action. Addressing fully the problem of crime brings its own acknowledgment that much needs to be done at many levels—far beyond existing spheres of political or professional influence.

There are many, of course, who would argue that the new businesslike approach of the professional police is making a difference. Crime in the United States has, after all, gone down, indicating that the war strategy is working. But we do not know whether changes in policing or building prisons (as part of the war on drugs, for example), combined or separately, have done the trick; or whether there are more powerful forces at play, such as demographics, economics, and environmental factors. Weed and Seed programs, antiviolence campaigns, and community development initiatives have surely also played a part. No one can be sure, however, of the extent to which community-based innovations contributed, or whether the downturn is sustainable.

Case Study: Tension Between Today's Reality and Tomorrow's World Is Not Confined to Policing

An acupuncturist in Washington, D.C., working with local hospitals says he is seeing more children and adolescents with attention deficit disorders (ADD) that often lead to substance abuse. The solution lies in supporting early childhood development, yet funding remains scarce. This contrasts with the moneys expended on giving these children the quickest fix, such as Ritalin and other drugs that the pharmaceutical companies have no problem marketing through health management organizations. The administration of these drugs is likely to perpetuate the problem and to create new kinds of behavioral or mental problems. And so the vicious circle leads to a worsening, not an improvement, of the overall problem. We fail to learn what is causing ADD and how it can be prevented. In policing too the solutions often lie elsewhere, rather than in simple enforcement, but enforcement is a seductive strategy for tackling all problems.

Attention is focused mainly on crime rates, despite the fact that crime figures hide the nature of the problem (and despite the fact that official figures reflect only about 37 percent of the actual incidences of crime[23]). Crime figures are the easiest barometer to read in a field fraught with unresolved challenges.

The enthusiasm for winning the so-called war on crime, promoted by media pundits and politicians, is undoubtedly a reaction to crime's changing character, which has raised alarm about substance abuse, school violence, drive-by shootings, gang warfare, child neglect, and domestic violence. The barometers for these phenomena of contemporary society are not only obscure, but have been blurred under the umbrella of social threats. Although support for community policing and for enhancing infor-

mal controls to produce public safety may be rife in local neighborhoods, on the national stage *crime fighting*—reducing crime by catching more criminals and by punishing them more severely—has come into vogue. While community policing and problem-oriented policing are supported vociferously, so too are mandatory sentences, parole abolition, trying youth offenders as adults, and bolstering other get-tough-on-crime measures.

Meanwhile, the impact of this support for crime fighting on the culture of the police cannot be ignored, for this culture has traditionally been comfortable with its law enforcement role. It would also be foolish not to acknowledge that this image sits comfortably with a large part of the public, notwithstanding the known folly of the police alone determining priorities and responses in relation to crime. The arrest and punishment of offenders is appealing to anyone apprehensive or angered about crime. Punishment is widely perceived as making the offender pay for his past actions and as having a preventive element. "So long as an offender is incarcerated, he cannot commit further crime" is the theory. The key questions, however, are these: "How effective and sustainable is the crime-fighting approach?" and "Can a focus on crime figures or numbers make for public safety?"

Crime Rates Versus the Harms of Crime

It is ironic that the public's fear and anxiety about crime have focused so much attention on crime rates, as distinct from the *harms* attributable, directly and indirectly, to the incidence of crime. Some of these harms are frequently documented: the emotional and physical scars following violence, the long-term psychological damage to children who suffer abuse, the loss of security felt by victims (as well as their friends and families), and the fear of using the streets or going to certain areas. Schools, hospitals, and recreation places are no longer immune from the ravages of crime. Economic development and investment opportunities are distorted by the incidence and impact of crime. Crime has come to be regarded as a kind of virus, altering the equilibrium in the security and safety of individuals and in the structure of whole communities.

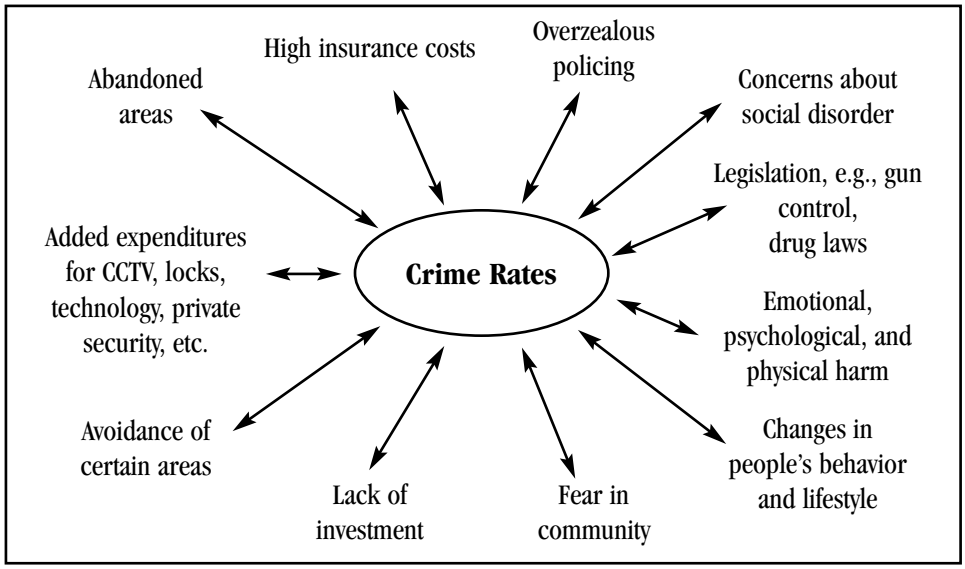
There are other harms that are less talked about but, nonetheless, indicate a society besieged by crime: the fast growth of gated communities, private security patrols, metal detectors, personal arming with guns, mace and pepper sprays, and surveillance cameras, as well as the abandonment of crime-ridden areas in the formation of *doughnut cities*. The fabric of society has been altered substantially by the unresolved fear and conflict that the aftermath of crime so often brings. Crime rates may have fallen, but the long-term characteristics of crime victimization remain off the radar screen in discussions about the success of the war on crime. Community members may say, "Crime is down but we're locking our doors anyway."

The Harms of Crime: Crime Is More than Numbers

Crime *statistics* hide many of the real consequences of crime, which in many cases do not manifest themselves immediately (e.g., change in behavior, slowed investment,

changes in legislation). Yet these consequences are often a time bomb for more crime. Statistics cannot reflect this reciprocal phenomenon in ways that show cause and effect. Accountability is therefore blurred, making the crime rates a dubious platform on which to assess what works. For example, if crime deters investment, only certain people and activities will be present in an area, which can in turn become prey to street crime. Overzealous policing can create resentment and alter people's perceptions about a place—thereby creating *space* for illegal activity that simple becomes less overt. Fear can stop people from coming to places, leaving opportunists to commit crime without the normal self-regulation that more crowded places often have. These consequences call for much more attention to the short- and long-term impact of crime, as well as to the effectiveness of particular responses. Figure 5 provides an overview of the serious but often hidden consequences of crime.

Figure 5. Hidden Consequences of Crime



One distinction between numbers of crimes and harm is that in some cases crime causes little actual harm to communities; yet focusing on figures distorts this reality. Neighborhoods have always tolerated a certain amount of noisemaking and loitering, a limited amount of begging and of public drunkenness. These quality-of-life crimes can be problematic in excess, of course, but the police do not necessarily know when they become excessive without community involvement in the decisionmaking process. In some communities, police interventions for inconsequential violations of the criminal code lead to a different kind of stress and social harm. Excessive enforcement can destroy relationships and create tensions disproportionate to the impact of minor infringements.

The problem of crime is complex, and crime fighting targeted against offenders is only partially effective in reducing the level of crime and the harmful consequences of crime. For example, deterrence—a critical element in crime-fighting approaches—requires potential offenders to think about the consequences of their actions, and

many fail to do so. The offenders' risk of being caught and punished must be seen as outweighing the benefits expected from committing crime. Since crime reporting and clearance rates are significantly lower than the actual incidence of crime, and conviction rates are lower still, it seems that deterrence is a dubious strategy. Even if offenders are imprisoned, recidivism for offenders released from prison is high (over 60 percent of prisoners are arrested within 3 years of release).[24]

Many police officers know all of this all too well but feel that the situation is outside their control. Resources allow for only so much detection and investigation. The conduct of the courts and sentencing patterns are beyond their influence. Reducing offending behavior relies on other social policies, unconnected with professional policing. The result is that the police do as much as they feel they can do, knowing it can never be enough. The old mentality of the thin blue line is seldom far removed. But the traditional model of professional policing has another ally: the criminal justice system.

Policing and the Criminal Justice System

Community policing and problem-oriented policing are having a significant impact on contemporary policing, but there are obstacles to a radical transformation of police departments. The crime problem is not the only obstacle. While collaboration, information sharing, and partnering have improved problem *diagnosis* beyond what traditional policing offered, the *solutions* remain tilted in favor of law enforcement and use of the justice process. This not only limits the involvement of the community, but it also precludes opportunities for crime prevention through alternative problem-solving measures.

To identify what is hindering a shift toward a better balance between enforcement and preventive problem solving, it is important to understand the relationship between the police and the rest of the criminal justice system. While the police are learning what can be achieved by way of problem solving in partnership with communities and other agencies, they are also expected to act as the primary gatekeepers to the justice system. This, in effect, is pulling the police in two different directions. The first direction calls for developing awareness and understanding of the needs of individual communities and tailoring responses accordingly. The second calls for applying law enforcement impartially according to the rules and processes of the justice system. (See the case studies entitled "Criminal Justice Can Foster Single-Mindedness Among Professionals, Devaluing Problem Solving" and "Use of Criminal Justice Often Precludes Citizen Engagement.")

The case study "Use of Criminal Justice Often Precludes Citizen Engagement" may appear less contradictory after an examination of the justice system reveals what information it uses to proceed, and what it focuses on.

Case Study:
Criminal Justice Can Foster Single-Mindedness Among Professionals, Devaluing Problem Solving

With a focus on criminal justice, law enforcement sometimes collaborates only with other parts of the justice system. In one example, the use of enforcement as an outcome of collaborative problem solving involved a partnership between several small police departments and other local criminal justice agencies to tackle a gang problem. Patrol officers worked alongside probation officers and prosecutors, sharing information and pooling resources. The information sharing was confined to the exchange of intelligence and evidence gathering among officials. The professionals thereby defined the nature of the problem, a continuing criminal enterprise of prostitution and drug marketeering, without any input from the lay community. For the police the goal in this one case seemed clear: "Our only concern is the bad guys—putting them away in jail as long as we can," said the local chief. "There are no turf wars here," he added. "We didn't worry about bureaucrats or bureaucracy, nor about politics or politicians."

Case Study:
Use of Criminal Justice Often Precludes Citizen Engagement

A campaign was launched to mobilize community support for tougher enforcement and new laws against street cruisers who were disrupting a city center. Warnings were given to the cruisers about the new laws. Citations were given or arrests made only when these warnings were ignored. Traffic points and traffic enforcement by the police were helped by the erection of new signs depicting regulations specifically introduced to tackle the problem. Arrest teams were posted to checkpoints and enforcement teams were encouraged to carry out stop/searches. Two years later, the cruisers were no longer a problem. This example shows that identifying and resolving problems are made possible when the police work in tandem with other agencies, residents, and business people. However, reliance on law enforcement by the professional police—even when there is community support—does not necessarily promote self-regulation by the community. In this case, the community was active in helping to *identify* the problem but community members' involvement in its resolution was limited.

Role of the Criminal Justice System

The criminal justice system with its courts, judges, attorneys, and corrections personnel has remained remarkably stable, notwithstanding growing public frustrations about the way it works. The perception is widely held that the system should deliver public safety, and that perception supports the clamor for more criminal justice. The reality is that the system affords a mix of upholding the standards of society, as defined by criminal laws, and providing justice to individuals brought into the system following arrest. The central mission is establishing the guilt or innocence of suspected offenders according to law and due process. The process is an adversarial one; it

requires the prosecutor to prove his case according to rules of evidence and the high standard of proof.

This brief description masks the complexity of how the system operates; but it suffices to highlight the paradoxes between community policing and problem-oriented policing on the one hand, and the heavy use of enforcement as a solution to identify the problems. First, the justice system generally deals with individual crimes, case by case, without attention to a broader pattern of the harms and incidence of crime. This differs greatly from the approach many police departments are adopting with crime pattern analysis and targeting hot spots. Pattern analysis is helpful to reveal the true incidence of crime and to detect offenders. It also is a crucial component of problem diagnosis.

An isolated burglary is a very different community issue than a neighborhood having several burglaries each day or night. A single burglary may induce community fear but is unlikely to change people's behavior or have an impact on community activities. A series of burglaries over a period of time, however, will significantly impact a community on a number of levels, raising fear and discouraging people from coming to live in the area. The police will draw a distinction between an isolated incident and a pattern of crime. They may also recognize the harmful consequences over the long term that need to be addressed. The justice system will make no such distinction, however, and its decisions will be largely uninfluenced by the scale of the impact.

A second difference between the two approaches (problem-oriented policing and a focus on enforcement) is that the justice system uses criminal law alone to define the nature of the case. This contrasts with the idea of sharing information from different sources to help diagnose and identify the full nature of the problem. The system focuses on the defendant. Witnesses, victims, the community, and other agencies in the community have no role unless they have specific evidence to offer relevant to an element of the offense. Such evidence is merely used as an instrument for the prosecutor or defense to pursue their respective adversarial functions. The evidence is not used as part of a problem-solving effort. This closely circumscribed, adversarial process is at odds with a problem-solving approach, which calls for including people in discussions about the nature of problems and how they can be resolved.

The rules of evidence themselves restrict the nature of the information admissible in the process—arguably eroding the power of the open-ended brainstorming so frequently used in problem-solving forums. This restriction encourages the police to collaborate only within the justice system itself and on a narrowly defined part of the whole problem. Police know that a focus on the broader impact of crime will be largely ignored by the justice system, contrary to the ethos of problem-oriented policing.

A third contrast between the two approaches is that the justice system's presumption of innocence and the concept of a fair trial are ideals that have come to preoccupy thinking about procedure and due process without concern for the outcome.

Case Study:
Diagnosis by the System by Itself Tackles Only One Aspect of a Wider Problem

Police should be moving away from assuming that they can diagnose the problems in a community without the involvement of the community itself. The gang problem often involves criminal conduct, including serious violence and substance abuse, but there are other ways of defining the problem too. Boston's "Operation Nitelite," in which the agencies across the justice system have worked effectively together to reduce gun violence through joint activities, information sharing, attending community and gang member meetings, and home visits, has contributed to a dramatic drop in homicides and gun-related crime. But gang membership persists and aiming with weapons is commonplace among teenagers who report their fear of the streets and the schools. As Roger Graef reported in the 1998 PBS film documentary "In Search of Law and Order," "They [the gang members] are absorbed with day to day survival and don't look ahead to the future." The police focus was on reducing guns on the street and violence. In the short term, at least, law enforcement methods may be the only appropriate recourse. However, crime reduction needs to be seen in a wider context (including crime prevention at an early stage of gang development). When the recipients of the enforcement see no alternative way of life, there must be a better balance between applying time and money to law enforcement—and addressing the basic needs of housing, education, skills training, and drug treatment.

Case Study:
Criminal Justice Defines Problems According to Law, Not How They Are Experienced by People

A man was arrested after firing a gun in the middle of a baseball field that was being used by two school teams. He was charged with two offenses: unlawful possession of a firearm and discharging a firearm in a public place. The jury foreman who sat in at the trial said, "At the end of the case, although we found him guilty, we felt we were no nearer understanding why the man had done what he did. He might have been mentally deranged, a drug dealer, an upset father, or high on drugs. We will never know because the case gave us probably less than 10% of the information that we needed to have to make a sensible judgment."

Justice is measured by how far due process has been followed, which is at odds with problem-solving approaches that focus on desired goals. The adage that justice is served even if the guilty go free, or if a plea has been taken on a lesser charge, suggests that a game is being played out according to rules—without heed to broader issues. This paradox is compounded by the offender being entitled to put the prosecution to the test to see whether the standard of proof can be met, even if the offender has admitted to committing the offense. The obligations under problem-solving processes are more akin to those finding acceptance among lawyers in civil cases, which are to provide mechanisms to produce an *acceptable result* that resolves conflict while minimizing expense and stress on participants.

The presumption of innocence is an important ideal—as is the right to silence—for those offenders who deny guilt. But these aspects of the justice system afford other people opportunities for avoiding responsibility, which creates a barrier to problem solving.

A fourth contrast is that, in the justice system, *justice is defined as giving the defendant due process and applying appropriate sanctions*. The justice system's focus on the defendant often precludes appropriate attention to the interests of the public and of the victims of crime. Victim and witness services, court visits, compensation and restitution orders, and victim/community impact statements are relatively recent innovations, but they may not address the full consequences of crime if the justice system retains a narrow understanding of what justice means. A narrow definition is counter to problem solving, which encourages solutions that try to take into account everyone's needs and interests.

Case Study: Formal Procedures Take Justice Out of the System

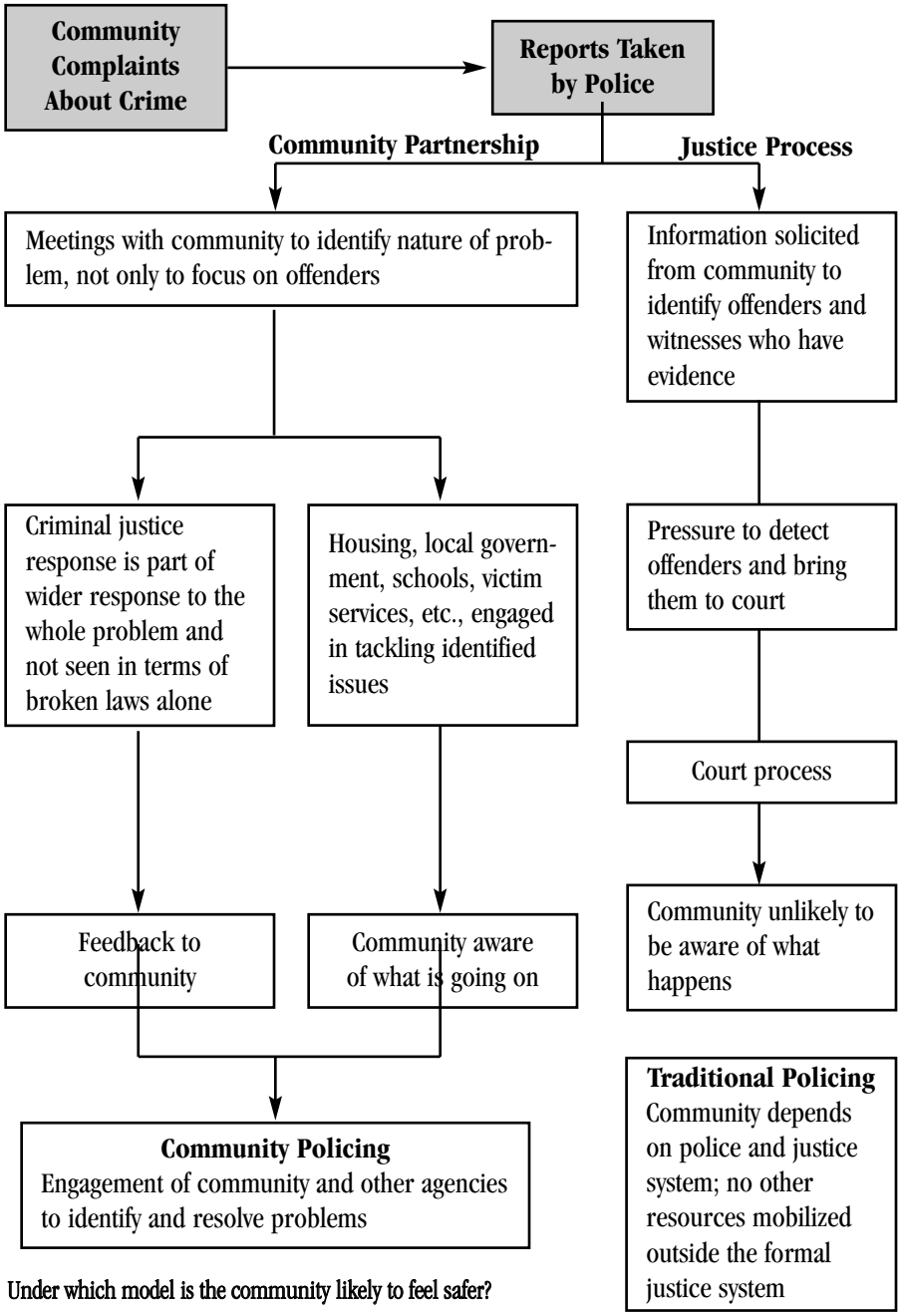
A man rapes a woman. He does not deny it to the police nor does he admit it. He simply keeps silent. He is charged with rape. In court he is never asked whether he admits the charge, and so he pleads Not Guilty in order to put the prosecution to the proof, in the hope that they will fail to prove the case. The defense lawyer alleges that the woman had dressed "provocatively," that she encouraged his client's advances and consented to the indecencies inflicted upon her. When she denies this he puts it to her that she is lying. The woman breaks down and cries. The jury has a reasonable doubt and therefore must find the man Not Guilty. Even though the man may later admit his guilt, he cannot be tried again for that rape. As he has not given evidence, he has not committed perjury. He is free forever. Does he think that justice has been done? The woman knows that he raped her and feels that she has been branded by the verdict as a slut and a liar. Does she think that justice has been done? The officer in charge of the case felt that his witness had been telling the truth. Does he think that justice has been done? The woman tells her friends and others in the community of her experience of the law. Will they think that justice has been done? The problem is that he was never asked whether he admitted the charge.

SOURCE: Adapted from McElrea, F.W.M., "Accountability in the Community: Taking Responsibility for Offending," Legal Research Foundation, 1995.

Finally, the criminal justice system is a professionalized system in which the actors are trained, the language is legalistic, and the decisionmaking is standardized by process and sentencing guidelines that are incomprehensible to most lay people. With community policing and problem-oriented policing, no one has expert status since everyone's contribution is seen as a necessity. The discourse is in ordinary language, and the decisionmaking is flexible and is tailored to local need. Figure 6 contrasts the two processes. As David Lehman, Assistant District Attorney of Milwaukee County, Wisconsin, has said:

> Rules of evidence are not the only means of resolving conflict.

Figure 6. Partnership for Crime Clearance Only or for Problem Solving?



The present justice system is also underpinned by a retributive (or punitive) philosophy. The focus is on punishment rather than addressing the collective harm identifiable through collaboration and consultation. The *just desserts* theory claims justice is delivered when offenders receive a sanction appropriate to the crime. Heavy sanctions are seen as satisfying the needs of victims and communities (who otherwise

often get nothing from the system). Yet, responding to those *responsible* for crime is not the same thing as responding to the *problem* of crime. With community policing and problem-oriented policing, the focus is on identifying problems collaboratively and finding out how, and by whom, the problems can be resolved.

Case Study: Legal Definitions Obscure Real Harm

A young boy was kidnapped by a teenage gang and blindfolded, tied up with rope, and left hanging over a canal bridge. The police located the offenders and charged them with assault. The district attorney's office wanted to reduce the charges from a felony assault to a misdemeanor because this was the first time that the offenders had come to notice. The views of the victim's family and the local community were ignored despite their claims that the victim had been bullied for months and was severely traumatized. This situation was having an impact also on other young school children. They were afraid to walk to and from the school because the victim had told them about the threats he had been receiving. Fear in the community was high because one of the gang members had suggested that things were going to get worse.

Case Study: "Relevance" Defined by Court Is Often Different From Relevance for Community

A cricket match between two Bangladeshi teams broke out into fighting, resulting in five players hospitalized with cricket bat injuries. At least two of the players were in a critical condition with head wounds. The police arrested and prosecuted the assailants. They also ran a community meeting to find out the real source of the tension. At first, no one would talk. Then a young man pointed his finger to the elders sitting at the front of the meeting place and said, "This is all because of their inability to resolve their differences about how to run the temple." The elders, who had been quiet up to that moment and who had not been at the cricket match, started to speak about the difficulties that existed between factions involved in running the day-to-day activities of the temple. Most people agreed with the temple leader when he said, "The problems in our community would never have been understood by the courts—not even recognized as being relevant."

Examining the criminal justice system in this way reveals the tunnel vision of the present approach when compared with the problem-solving approach.

Comparing the Criminal Justice System with Community Policing

Table 2 contrasts the characteristics of the criminal justice system with those of community policing.

Table 2. Comparison of Characteristics

Criminal Justice System	Community Policing/ Problem-Oriented Policing
Adversarial process	Dynamic, educative process
Individual cases	Pattern analysis
Problem defined according to law	Problem defined after broad consultation
Public participation limited to providing solicited evidence for use solely by lawyers	Public participation is a vital function of gaining shared ownership
Excludes people, information, and feelings	Encourages involvement, information sharing, and open discussion
Focuses generally only on offenders	Focus is more holistic as regards the impact and consequences for everyone
Outcome focused on fairness to the defendant	Outcome is evaluated on desired goals agreed by the problem-solving partnership
Cases are dealt with by trained professionals through a system that the public finds hard to understand	Encourages lay participation and open dialogue, which promotes broad understanding

Tensions exist between the rationale for community policing and problem-oriented policing, which promote the *coproduction* of public safety by the police and the community, and the expert definition and resolution of crime that characterize the criminal justice system. The police are confronted with these tensions as progressive attempts to explore collaborative problem-solving are often followed by working with an adversarial and punitive justice system. *The fact that enforcement is seen all too readily as the only viable route to safer communities—by the police and the public—seriously erodes the recognition that society requires additional social controls.*

Police in Their Comfort Zone

Collaborative efforts by the police with other agencies and the community too often retreat to the use of criminal prosecution and recourse to the criminal justice system. As long as few law enforcement agencies are challenging traditional justice processes, problem resolution—which provides evidence with which traditional assumptions can be challenged—is marginalized. The dominance of the criminal justice system in police responses to crime and calls for service remains a striking feature of even the most progressive police departments.

There are good reasons for this state of affairs. The police gain much of their power and authority from their position as gatekeeper to the justice system. The police have the power to arrest and to gather information. They have developed expertise in crime recording, investigation, and evidence gathering. They accrue resources to ensure that these activities can be sustained. Technological needs to support these activities become all too apparent based on the high volume of crime being handled in this way. The traditional professionalization of activities is reinforced by the systems that are required to prop them up. Police officers are more likely to be gaining training in computer skills and form filling than in victim trauma or in repeat victimization. Since the system itself can be all-absorbing, challenging the efficacy of the system necessitates a whole new mindset. Internal accountability for paying heed to the system can outstrip the importance of accountability looking outward, beyond the number of arrests and clearances attained. Crime fighting is essentially focused on prosecuting offenders (in lieu of other crime reduction strategies). According to one commentator, the punitive approach is "by now a deep-rooted aspect of our culture, embedded in the common sense of the public, the police and the judiciary."[25]

How the police approach problem-solving forums in the community also can be influenced by their own preoccupation with maintaining law enforcement systems that support the justice system. Police officers may be unaware of the power and influence they bring to meetings with lay community groups that are calling for responsible leadership. If the police construct problems in terms that fit with the requirements of the justice system, rather than looking at more social reasons for crime and disorder problems, this can quickly set the framework for discussions with the public. This influence is heightened by the fact that the lay public is conversant neither with the law nor with alternative methods of resolving conflict.

While problem diagnosis (or problem identification) encourages information sharing across a broad spectrum of concerns, hopes, fears, and feelings among community members, a comprehensive definition of a problem may be usurped by the ready definition of crime by the criminal law. The police can quickly identify the powers that they can use to tackle problems affecting the community (stop/searches, road checks, arrest, constraint orders, etc.), but they are still learning new methods of problem-solving. In addition, the police are greatly influenced by the criminal justice requirements for rules of evidence and due process.

Officers attending the scene of a burglary, for example, can simply focus on examining the points of entry, looking for forensic evidence to help detect and convict the offender(s), and gauging the reliability of the victim to make a credible witness statement for inclusion in the case papers for court. These would be the key considerations if the sole aim was to catch the burglar and to pursue a prosecution. But the detection of offenders to prosecute before the court should not constitute the totality of problem-solving efforts. Arresting offenders can be a vital part of any community policing effort, but the criminal justice process is not the raison d'être for community policing.

If the officer is alert to a spate of burglaries in the area that have provoked community fear, it is hoped that his actions would be influenced by other needs. He may think about alerting neighbors, to encourage a neighborhood watch to minimize the chances of another attack. Vigilant on identifying crime prevention opportunities, he might analyze how the location and time of the incident compare with those of similar incidents. He might think about the need for victim reassurance and victim services.

Pursuing these lines of inquiry and service ought to shift the focus beyond criminal justice to gaining the participation of lay people in the community and of other public agencies and voluntary groups. The incidence of burglary becomes a problem that requires the attention of many others besides the police, including local government, architects, and neighborhood watch groups. Broader participation is critical to social control, for without this the burglary problem is perceived to be one for the police alone to handle. Back to the traditional model of policing!

The systems for promoting broader participation are often absent, however, because the police see their relationship with the justice system as overriding. If, instead, the impact of police actions on victim satisfaction was seen as the critical issue, for example, then police departments would be working more closely with victim services. Information flow between the police and victims would be seen as a priority, repeat victimization policies to protect victims from the likelihood of future burglaries would be in place, and more work would be done to collaborate with building designers. The recovery of stolen property would be streamlined, and compensation orders would be a matter of course.

This example of how a burglary problem could be seen differently by the police and could necessitate the engagement of other agencies and community members is not intended to suggest that the police relinquish their pursuit of offenders; rather, the example is used to demonstrate the preeminence of the *legal* control of crime over the *social* control of crime. Yet a burglary does not involve only legal issues requiring that an offender be caught and prosecuted. Such a crime also raises issues related to the vulnerability of victims, the loss of property, and the protection of the neighborhood and of crime prevention opportunities. Many police departments are building an infrastructure for dealing with these issues, but they are still in the minority.

As long as problems are defined primarily by the criminal law and by the rules of evidence, problem-oriented policing is in danger of being applied only reactively, to violations of the law, instead of encouraging a dialogue with communities as to how violations can be deterred or prevented altogether. Defining the problem of crime in narrow terms is creating a huge barrier to establishing the extent to which policing is still about law enforcement—and, more importantly, the extent to which it should be about building community capacity to promote informed social controls.

Goldstein hinted at this uncertainty in a period of change in his prophetic 1993 piece "The New Policing: Confronting Complexity." He suggested that, as advanced forms of community policing unfolded, the characteristics stemming from the traditional emphasis on law enforcement would begin to be rejected. For Goldstein, the police relationship with, and dependence on, the criminal justice system needed to be explored. There are pragmatic reasons, he noted, for searching intensively for alternatives to the criminal justice system as the way to get the police job done.[26]

Those pragmatic reasons stem from the consequences of mixing problem-solving approaches with adversarial law enforcement that resolves neither crime nor its consequences. This may not be an entirely self-induced situation, for the police are not the only ones operating in a comfort zone.

The Public in Its Comfort Zone

Members of the public are not normally involved in formal crime control activities. Their participation may be confined to a meeting with the police (or other criminal justice agency), soliciting their views on local problems or providing evidence for a prosecution, or lending support to the case of the defense.

The community, often unaware of its own power and capacity for problem solving, may too quickly rely on the police to deal with their problems through enforcement. This reliance is not usually challenged by the police, who are comfortable proceeding in this manner, particularly with the added benefit of community support. The reliance is convenient for the public, whose members often see themselves as too busy, too ill-equipped, or rightfully expecting the police to do what they are paid to do.

This is problematic for several reasons. First, the public relinquishes its responsibility for participating in the *resolution* of problems, thus defeating a principal purpose of collaboration. If the outcome of problem identification is the pursuit of offenders, for example, the involvement of the community is generally over. The community may have contributed to a better appreciation of the problem and helped to identify suspects, but it has no mandate to precipitate a criminal prosecution. Community members rely on the police, who are essentially left to conduct the investigation and to prepare the case for a prosecution. As long as collaboration between the public and the police leads to constant use of the justice system, social controls that could be applied to tackle or prevent crime and disorder remain a tool with great, but unused, potential.

Second, over-reliance on the police places unrealistic expectations on formal controls to deliver public safety. *The public is generally not well acquainted with the justice system and its tunnel vision. The public assumes that the criminal justice system delivers public safety.* Yet this is not what the system is designed to do. "Even if the system was somehow made to work better," one observer said, "it would not produce public safety. For public safety requires restoring desired norms at times and in places where the rules of civil human interaction have broken down where there are believed to be no consequences for choosing what it is forbidden to do."[27] The clamor for tougher punishment is a by-product of unfulfilled expectations. Yet tougher sentences are unlikely to produce public safety; only a small proportion of crime cases end up in the justice system, prisons have long been known as "universities of crime," and a 70 percent recidivism rate among ex-inmates illustrates the short-term effect of incarceration.

As Geoff Mulgan puts it, "Even a community police officer is not a parent. A precinct house is not a good spot to learn the rules, a courtroom not the place to begin a moral education. A cellblock is not a neighborhood. And prison is no place to learn how to live, work, and succeed in a community of free men and women."[28] In other words, public safety requires socialization and community engagement. The criminal justice system cannot be a substitute for the social controls found in communities.

Taxpayers seem willing to pay even more than the current $120 billion estimated[29] for criminal justice alone, an indication that dependence on the formal system is acute. They do not seem confident, yet, of the power of citizen participation in local problem solving. The combination of the limited involvement of the community in the resolution of problems and the continued expectation that the police and justice system should tackle crime and disorder, has other consequences as well. Social cohesion is undermined by formal crime control measures that fail to educate citizens about the importance of their participation in informal social regulation. If the community is denied the opportunity to learn what it can do to contribute to safety, the inclination is to shrug off responsibility for working out solutions to problems. Figure 7 indicates some of the consequences of total public dependence on the criminal justice system.

For the formal crime control system, this situation is especially counter-effective; a public highly concerned for its own well-being and safety will place huge demands on the authorities to afford it protection and to respond to reported problems. Unless the authorities show a willingness to share responsibility by working closely with communities, the traditional model of professional policing re-emerges: an overwhelmed police department without resources for anything other than reactive, fire-brigade maintenance of order and crime control through enforcement.

When communities are left unaware of their own capacity for controlling and reducing crime, that ignorance is part of a vicious circle that perpetuates the weakness of community and the power of public institutions (see Figure 8). The antidote to weak communities (which provide fertile ground for crime and disorder) is participation. John Stuart Mill wrote, "Let a person have nothing to do for his country, and he will not care for it."[30] Similarly, community participation is essential if communities are to care for themselves.

Figure 7. Consequences of Over-Dependence on the Criminal Justice System

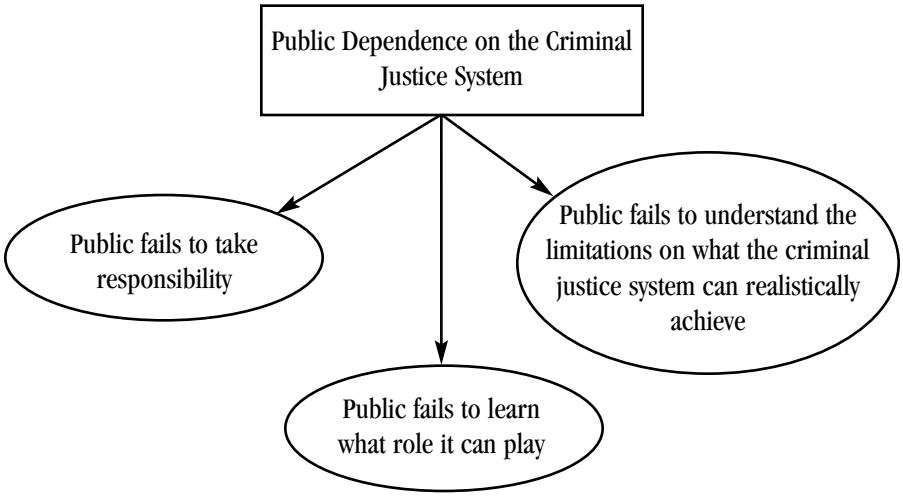
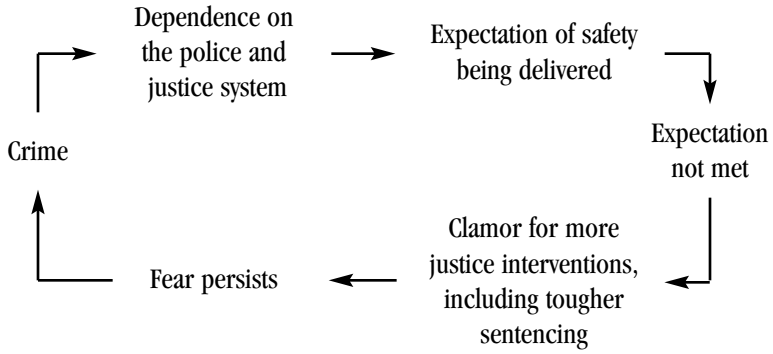


Figure 8. Unintended Consequences of the "Comfort Zones"



The irony is that the community members in all likelihood care very much about what goes on in their area as it relates to both their own safety and that of others in the community. What is often missing is the vehicle for participatory decisionmaking in which problems can be discussed and resolved, with or without the help of professional agencies such as the police.

A new commitment to enhancing the power of local communities (including churches, schools, local associations, and business groups) is essential to tap into community care and to mobilize citizens who have grown skeptical of their own capacity for controlling crime. McKnight asks the question, "Why are we putting so much resource into the criminal justice system and society seems less just and less secure?"[12, p.41]

The hidden message in the vicious circle shown in Figure 8 is that paid professionals are seen as the care providers and problem solvers, inferring that community groups

do not need to bother. The professionals compound this sense by operating on assumptions about their own capacity for defining the problems and coming up with remedies, rejecting citizens as problem definers and solvers. In short, professionals (inadvertently perhaps) support the lack of citizen engagement by maintaining that they are the solution to the problems that *they* see besetting the community. It is this thread that needs reweaving to reorient professional service providers to help develop, not dictate the limits of, citizen capacity.

Unintended Consequences of Applying Enforcement and Formal Control Measures

While everyone remains in their comfort zone, the consequences also remain unchanged. The traditional response to crime has been a major contributing factor to public passivity. Police have been responsive to reported crime through arrests and through prosecution in the criminal justice system. The system defines crime according to the law and reacts to offenders essentially by punishing them. The public is not generally involved, other than by reporting crime and serving as jurors. This traditional process thwarts opportunities for gaining insights about the meaning of crime and how it might best be prevented or dealt with. The public does not understand the justice system, and there are few opportunities for the public to influence its operation. The failure of crime control, which becomes apparent when problems persist, is experienced as a failure by the police, the courts, and the corrections system.

The result is that effective crime control is equated, still, with being tough on offenders, while the conditions in which crime happens (or is created) are left unattended. The vicious circle is perpetuated by comfort zones that have other blind spots.

In the 1996 edition of *Crime Control and Industry*,[31] Nils Christie tells a story about how people have become accustomed to this vicious circle of dependency. Christie examined the advertisements in the official publication of the American Correctional Association, *Corrections Today*, noting that 111 pertained to prison building and prison security in 1991. By the time his book went to print 3 years later, that figure had increased by 256. The advertisements featured security bonds and leather restraints for inmates, the profits to be gained from investing in prison growth, x-ray screening, and equipment to keep prisons free from crime. An examination of the magazine in 1998 shows similar advertisements, with an overwhelming sense of a fast growing industry that has crept up quietly but nonetheless is firmly rooted in current crime control. As Christie commented in 1996 after he re-read the journals, "Now the ads no longer had quite the same punch... I had grown accustomed to it."

At face value, this has little to do with policing—the police are not responsible for sentencing practices that result in rapid increases in the incarceration rate. However, while incarceration may remove from sight those people who commit crime, the causes and the impact of criminal behavior remain unaddressed. This a problem for the police and the public and adds to the vicious circle.

On top of this, it is probably fair to say not only that people have grown accustomed to the level of incarceration, but that there are now other powerful forces stemming from public dependency. The quantity of private money involved in prison building is such that flyers for Wall Street conferences read, "You, too, can profit from crime," and "Job opportunities in the corrections industry abound." Penal policy may be about crime control, but it is also a *commodity* that is politically marketable—and disturbing because of the intersection of power and individual liberty. Other interests are also at play.

The Campaign for an Effective Crime Policy collects news articles about economic interests and prison expansion that tell us how far-reaching the unintended consequences of crime fighting have become. In Frackville, Pennsylvania, the unemployment problem (following the closure of coal mines) vanished after prisons became the fastest growing industry in the state. The resulting 1,500 jobs and a payroll of $50 million since 1993 have rejuvenated the town, at least in economic terms. State Senator Picola comments, "There is little pressure to put fewer people behind bars. The public views prison spending as it did defense spending during the Cold War. In both cases the public feels the expenditures are necessary for the sake of their safety."[32] Other states are finding the same solution to economic rejuvenation. Since the private prison market is funded entirely by government, firms need to ally themselves with politicians to sustain the growth. The politicians are often all too willing to cooperate with public pressures about crime and unemployment. In fiscal year 1995, state and Federal governments planned to spend $5.1 billion in new prison construction, at an average cost of $58,000 for a medium security cell.

This level of expenditure makes sense, perhaps, in light of public anxiety about crime, until it is recognized that these expenditures are competing with expenditures on crime prevention, treatment, education, rehabilitation of offenders, and developing community capacity for informal crime control. Unfortunately, these links seldom are clearly shown. A telling message is the recent establishment of the Open Society Institute by the philanthropist George Soros, who cites the current response to crime as a major threat to a free democracy in America.

Who Is in Our Prisons?

Despite a public perception that our prisons are filled with depraved murderers, many people in custody in America's prisons and jails have committed nonviolent crimes. Many of the crimes are related to substance addiction or mental health problems. The vast majority of the prisoners are poor or illiterate, and too many are minorities. Removing these people from communities does not strengthen those communities nor, in many cases, does it conform with the communities' wishes. Although dangerous people need to be isolated from civil society, communities need to find their own ways to cope with low levels of deviance. The intervention of the criminal justice system can interfere with communities' efforts to maintain their own order. The prison *industry* continues to expand with limited public knowledge about its ramifications.

Several facts need to be noted:

- 36 percent of jail inmates in 1991 were *unemployed* prior to entering jail.[33]

- 65 percent of state prison inmates in 1991 had *not completed high school.*

- Nearly 39 percent of all jail inmates, as children, lived in families that *received welfare or public housing assistance*.[33] At the time of their arrest, 20 percent were receiving governmental assistance, including welfare, Social Security, and workers compensation.

- 57 percent of jail inmates in 1989 reported they were *under the influence of alcohol or drugs* at the time they committed their offense.[34]

- The risk of the *mentally ill* being jailed is also high. More than a quarter of all inmates report having been treated for a mental or emotional problem. The *New York Times* has reported that an estimated 1 in 10 of the total inmate population suffers from schizophrenia or manic or major depression.[35]

- 32 percent of jail inmates in 1991 who had been free for at least 1 year prior to their arrest had *annual incomes of under $5,000.*

- Nearly one in three female inmates in state prisons was serving a sentence for a *drug offense* in 1991 compared with one in eight in 1986.[36]

- 54 percent of those held in local jails in 1996 were already under the jurisdiction of the criminal justice system at the time they were arrested for their current offense.[37]

- 71 percent of those sentenced to state prisons in 1993 were convicted of *nonviolent crime*s, including drug offenses (30 percent) and property offenses (31 percent).

- The negative *effects on children of incarcerated parents* include traumatic stress, loneliness, developmental problems, loss of self-confidence, aggression, withdrawal, depression, substance abuse, and teenage pregnancy.[38]

- Almost 48 percent of female jail inmates and 13 percent of male jail inmates report having been *sexually or physically abused* at least once in their lives; 27 percent of the women said they had been rape victims.

- In 1970, the number of inmates in state and Federal prisons was 200,000 (Sentencing Project). There are now more than 1.7 million

Americans incarcerated, representing a ratio of 1:155 of the population.[39] This represents a sixfold increase in the Federal and state inmate population during the last 25 years.

- Almost 1 in 3 (32 percent) black males in the age group 20–29 is under some type of correctional control (incarceration, probation, or parole), as is 1 in 15 young white males and 1 in 8 young Hispanic males. About 63 percent of jail inmates are African-American. The number of women in prison has increased fivefold since 1980,[40] to 74,730. One in 16 women entering prison is pregnant. Seventy-eight percent of the women in prison have children. It is estimated that about two million children have at least one parent in prison at any given time.[41]

In the book *Psychological Explanations of Crime*,[8] David Farrington states there is clear evidence that the following characteristics are commonly associated with those who commit crimes:

- Low family income
- Exclusion from school
- Mental disturbance
- Poor housing
- Substance abuse
- Experience of violence
- Poor parenting
- Delinquent family/friends
- Unstable employment record

As the New Zealand Justice Department's portrait of the average inmate depicts, "About two-thirds are beneficiaries (of welfare), three-quarters unemployed, half have severe alcohol and/or drug problems (two-thirds of women inmates), half have had psychiatric assessment, half have come from broken homes, nine out of 10 have no formal qualifications."[42] The picture is similar in the United States: prisons are full of people who are poor, dispossessed, vulnerable, sick, illiterate, and addicted. It's the same in every country in the Western world.

The Case for Prevention in Lieu of Incarceration

John McKnight writes, "The most significant function of the criminal justice system is to compensate for the limits and failures of society's other major systems. That compensation could result in deterrence, removal, or reformation. However, none of these results reforms the other system failures."[12] Information about who is incarcerated and the impact of incarceration raises questions that have been bubbling under the surface for years. How many inmates are in jail or prison directly or indirectly because of defects in our social systems and structures? Imprisoning perpetrators may bring a welcome respite to those concerned about crime, but the relief is short-lived and camouflages important opportunities for community and societal problem

solving. Police officers cannot afford to deny these links between societal defects and crime if they are committed to working with communities on crime, fear, and disorder issues.

Prisons can become schools for crime. Imprisonment damages people: it removes self-responsibility, wrecks relationships, and promotes drug abuse—while costing thousands of dollars per inmate. It would be better to direct the attention at the causes of so much crime—male violence, unemployment, sexual dysfunction, drug and alcohol addiction, racial and cultural alienation, and economic disparity. Statistics are problematic, but these points illustrate how prison is being used to compensate for social systems that allow unemployment, lack of education, unchecked substance abuse, mental illness, parenting problems, and poverty, among other ills, to remain neglected problems in many communities.

As Garland has commented, "The new penal policies have no broader agenda, no strategy for progressive social change and no concern for the overcoming of social divisions. They are, instead, policies for managing the danger and policing the divisions created by a certain kind of social organization, and for shifting the burdens of social control on to individuals and organizations that are often poorly equipped to carry out the task."[9]

While investments are being made in traditional crime control approaches, the almost surreptitious development of gated communities, private security, and public surveillance carries on in the face of the challenges presented by abandoned urban spaces, fear, and lack of knowledge of how other measures could be effective. What if the investment were spread to create open spaces for new dialogue, diagnoses, proposals, and assessments as to what could be done differently to resolve the problem of crime? What if more effort were put into diminishing the fragmentation of communities, destruction of public spaces, and limitations on freedoms?

Is it not likely that more attention to, and investment in, longer term prevention and intervention strategies would bring about a sustained decline in the level of crime and a reduction in the harmful consequences of fear engendered by this threat to public safety? And if the answer is "yes," who is responsible for making this happen? What would work to achieve citizen and community engagement in issues that contribute to crime, with the aim of creating real alternatives to the emphasis on incarceration?

As Judge Barry Stuart writes, "Excessive media attention on heinous violent acts, or the hostile details of violence, induces public abhorrence prompting calls for harsh punitive sanctions. A better understanding of criminals and crime will reveal that most people who break the law are not hardened criminals and few of their deeds legally classified involve a degree of moral depravity that would be generally considered repulsive."[43]

Like the proverbial *sweeping things under the carpet*, the dominance of retributive justice has contributed to avoidance of the commitment to social justice powerfully argued for by the Presidential Commission more than 30 years ago. The result is huge gaps in our understanding of the crime problem. The reliance on incarceration is a strong indication that society does not see in the present justice paradigm any way to tackle the causes of crime, disorder, and harmful behavior.

What is needed, then, is a framework that recognizes the values and principles of community policing, especially with regard to capacity building in communities and self-policing. The police have a role to play in examining the relationships between problem solving, criminal justice, and punishment—if policing is to move substantially away from short-term reactive solutions that ignore the broader picture.

Conclusion to Part 2: The Crime Problem and the Criminal Justice System

As Stuart Scheingold wrote, "We are left with a puzzling picture. The currents of reform seem to be pushing the police and the criminal courts in distinctly different directions. The courts are becoming more punitive while the move toward community policing suggests a moderating element in police practice."[44]

Many of the current paradoxes in law and order stem from the way the crime problem has become an overriding focus for police departments (with the inextricable link between traditional policing and the formal criminal justice system)—and from a deep skepticism among the police and the public about the existence and capacity of *community*. Without attention to these factors, the developments in community policing and problem-oriented policing could remain fragile. Existing tensions are likely to mushroom and to jeopardize positive reform if new practices in policing continue operating within a traditional paradigm of what law and order are about.

There is good reason for skepticism about the prospects for community policing as long as building prisons and recruiting more police are seen as the solutions to crime. Recall the rationale for community policing, beyond promoting good police-public relationships: First, crime is no longer regarded as a series of individual events but as a phenomenon that is having huge consequences for society. Second, the police alone cannot control crime without the involvement of the community.

The ethos of community policing and problem solving is to focus on developing the controls that can deliver informal social regulation in a way that promotes cohesion. The emphasis ought to be on community engagement and empowerment instead of repressive enforcement measures—inclusion rather than exclusion. The idea is to promote self-help, self-policing, and self-organization among communities, with the communities regarding security as a public commodity that can be coproduced by the police and the community. The clamor for tougher sentencing of convicted offenders results from not delivering public safety by informal means.

Policing in a vacuum—without examining the effects of the current politicization of the crime problem, and without examining how the punitive emphasis of the justice system is hiding contradictions and paradoxes—will continue to stunt community policing efforts. Community policing ought not to be viewed merely as a more effective enforcement of the criminal law by the professional police. Community policing requires a sharper focus on citizen and community engagement in crime control.

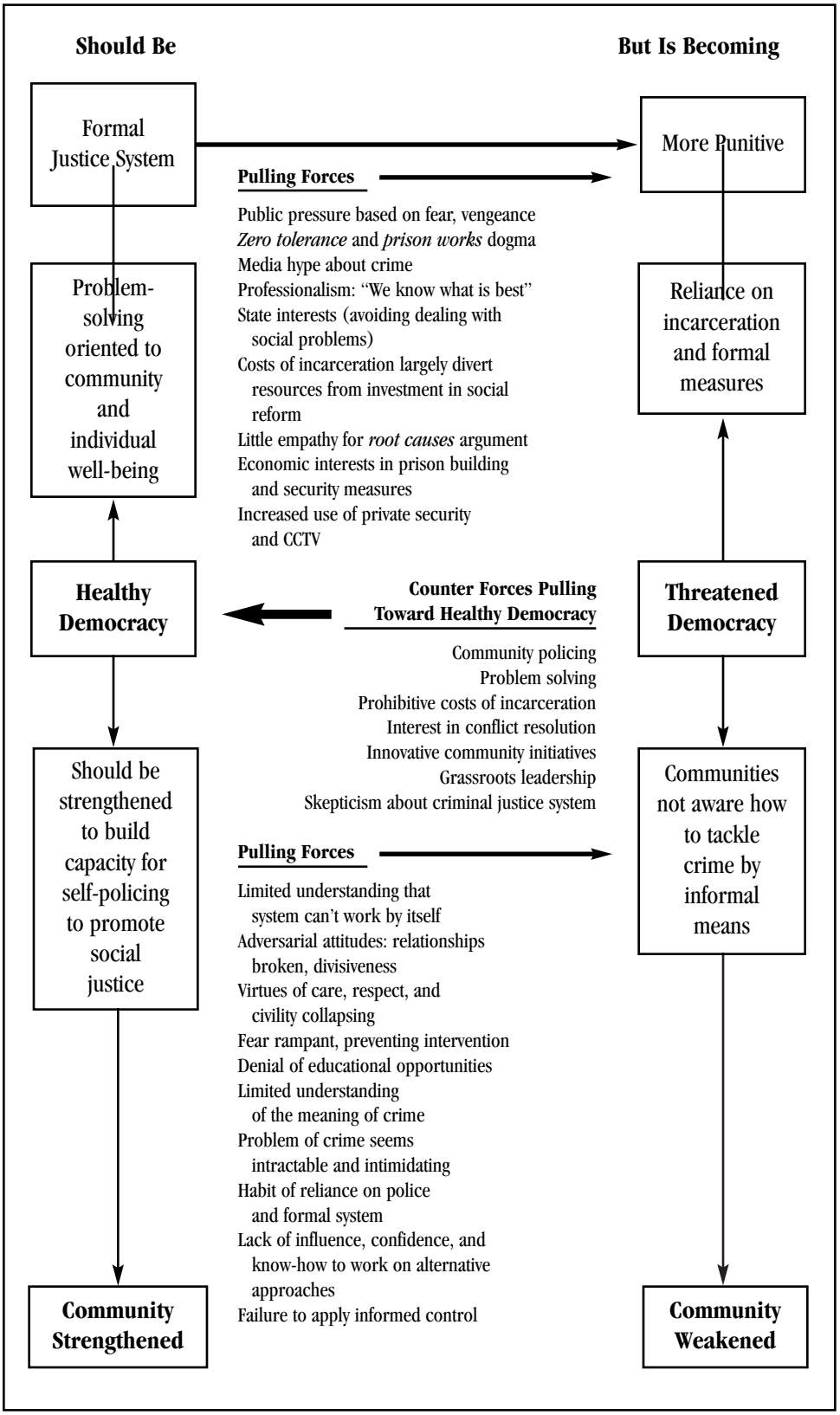
Alexis de Tocqueville wrote, "Democracy itself has created a new tyrant—public opinion." In some ways, both the law enforcement community and the criminal justice system have become trapped by the general rhetoric about crime. The result has been a plethora of crime control tactics without any clear strategic direction; community policing and problem solving are developing at the same time as are increased private security, gated communities, and high levels of incarceration. Increasing the technology and hardware available to police departments is in danger of paramilitarizing law enforcement unless these developments are balanced with similar investments in community building and community education in problem-solving policing.

Fear of crime is a dominant force across the country driving "the expansion of private security industries, locks on doors, less eye contact on the street, and emphatic warnings to children to be aware—all have a cumulative effect."[45]

The withdrawal of citizens from interactions that would strengthen the sense of community—and their dependence on the formal systems of crime control—pose a significant threat to democracy. If the criminal justice system continues to fall short in delivering public safety, and if the potential of communities to regulate themselves continues to be often buried, continued repressive measures and further citizen withdrawal are guaranteed. Thus, the climate of fear and hate toward criminals is jeopardizing the principles of inclusion and of protection of individual rights (see Figure 9). Crime is hugely problematic for any society, but if we reject the importance of working hard on devising solutions that are sustainable and that respect every human being, then we are on a slippery slope. Policing in a free society requires that the police themselves acknowledge this danger. If we want to sustain democracy, then the responsibility of police as well as others is to adopt a stance that supports participatory problem solving, which can deliver public safety without threatening an "open society."

To build on active collaboration between the police and the public, a coherent framework is needed in which community policing changes can take hold over the long haul. Shaping the framework requires attention to the relationship between policing and criminal justice. *A new paradigm is needed that clarifies the values and priorities of both.* The paradigm is already emerging from several sources. First, there are those who are demanding closer scrutiny of the efficacy and morality of traditional crime fighting. The *war on crime* is expensive financially and democratically, diverting resources from education, health, other kinds of community investment, and solutions to build social cohesion.

Figure 9. Different Forces Operating In Law



A second theme emerging is the notion of *community empowerment* and the need for neighborhood solutions to social problems. Debate is lively about the relevance of community to informal social controls, what relationships are key to minimizing opportunities for crime, and what role the community can play in responding to crime. There are no ready answers to the fundamental questions "How much should crime control be a responsibility of the community?" and "How much control should be retained by the state?"; nor is there consensus on the degree to which the responsibilities should be shared. For many stakeholders, the future should lie in redefining the crime problem in terms that foster cooperation between government and community, with security and safety being public commodities—conditions that need to be coproduced by the state and the people—rather than monopolies of the state.

A third source of the emerging paradigm is the clamor for an approach to the settlement of disputes that is more social and conciliatory than the legalistic, adversarial processes afforded by the formal justice system. The challenge, it is said, is not so much about producing new tactics for traditional crime fighting; rather, the real challenge is to think about exchanges between human beings when dealing with unresolved conflicts that often lead to criminal behavior. The justice system arguably encourages people in communities to tolerate conflict until the law is broken; but this approach does real harm by ignoring opportunities for crime prevention. It also leaves the system operating in crisis-response mode, having to react to situations too developed for more humane interventions.

> It is disingenuous to expect that people living in the most blighted inner city areas which now supply the greatest share of persons channeled into the criminal justice system can overcome the effects of high unemployment, segregation, poor schools, business flight, and government neglect and resolve all conflicts on their own."[46]

There are many, then, who are advocating a different response to crime—and are promoting the notion that short-term changes in the crime rate need to be considered with skepticism. The growing focus on the *well-being* of communities by many police departments, local government, and justice agencies indicates an increasing understanding that a different response is called for.

It is possible that redefining crime to mean more than breaking the criminal law could help to resolve the current paradoxes between the image of *fighting* crime (through well-equipped law enforcement and tough justice penalties) and an image that defines crime and disorder problems in local terms and is all about *reclaiming neighborhoods* through consensus building and cooperation. In other words, we must find a new definition of crime that focuses more on informal social controls and less on a legal approach to the settlement of conflict.